REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 10, 2004. In the Office Action, the Oath/Declaration was objected to as being defective, the Specification was objected to because the use of the trademark OpenCable™ was not capitalized. Moreover, claims 11-12, 17-18 and 20-24 were rejected under 35 U.S.C. §112, first paragraph; claims 1-2, 4-14 and 19-24 were rejected under 35 U.S.C. §102(a) as being anticipated by a Microsoft reference, and claims 3 and 15-18 were rejected under 35 U.S.C. §103(a).

Herein, claims 1, 3, 6, 10, 13, 15-16 and 19 have been amended. Claims 8-9, 11-12 and 20-24 have been cancelled without prejudice. Applicants reserve the right to reintroduce and prosecute these claims during the pendency of the subject application.

Oath/Declaration

The Oath/Declaration was objected to as being defective. Applicants respectfully disagree and submit herewith a copy of the fully executed declaration filed on February 2, 2001 in response to a Notice to File Missing Parts (Exhibit A). Applicants respectfully assert that the declaration is in compliance with MPEP §§ 602.01 and 602.02, and thereby requests that the objection be withdrawn.

Specification

The Specification was objected to because the use of the trademark OpenCable™ was not capitalized. Applicants have made the requisite corrections and therefore respectfully requests that the objection be withdrawn. Moreover, Applicant has included a few sentences to categorize the standards compatible and incompatible with smart cards. This material does not constitute new matter; rather, it merely categorizes the listed standards that are normally not suited for smart cards. Acceptance of these changes is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 11-12, 17-18 and 20-24 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description and enablement requirements. Applicants respectfully traverse the rejection.

With respect to the rejections of claims 20-24, Applicants respectfully disagree with the rejection. However, claims 11-12 have been cancelled. Therefore, any further arguments to traverse the rejection are moot. Applicants respectfully reserve the right to present arguments if such arguments are needed at a later time. For instance, Applicants respectfully disagree and submit that the specification describes multiple computing resources, including a second and third computing resource. As set forth on page 11, line 7, "*computing resources* may consist of, but are not limited to, a *CPU, memory, hardware, non-volatile storage, interfaces*, etc." *Emphasis added.* Hence, the written description and enablement requirements have been satisfied.

With respect to the rejections of claims 17-18, Applicants respectfully disagree and submits that claim 17 includes a limitation of a software wrapper to couple the ISO 7816 smart card interface to the NRSS-B protocol, not the second computing resource performing such coupling. Support for the software wrapper coupling the ISO 7816 smart card interface to the NRSS-B protocol is illustrated in Figure 3 and described in the specification. Hence, the written description and enablement requirements have been satisfied.

With respect to the rejections of claims 20-24, Applicants respectfully disagree with the rejection. However, claims 20-24 have been cancelled. Therefore, any further arguments to traverse the rejection are moot. Applicants respectfully reserve the right to present arguments if such arguments are needed at a later time.

Therefore, Applicants respectfully request that the outstanding §112 rejection be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 1-2, 4-14 and 19-24 were rejected under 35 U.S.C. §102(a) as being anticipated by the "Microsoft" reference. Applicants respectfully traverse the rejection because there is no evidence to establish that the Microsoft reference was, in fact, published in 1999. The undersigned attorney recently visited the website and uncovered no evidence of a 1999 publication. A copy of the article downloaded by the undersigned attorney is enclosed herewith as Appendix B. Thus, Applicants respectfully traverse the 35 U.S.C. §102(a) and request the Examiner to offer evidence of the date of publication.

In the event that the Microsoft reference is prior art, Applicants respectfully submit that independent claims 1, 5, 10, 13, 17 and 19 do not disclose each and every limitation set forth in these claims. As the Examiner is aware "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the single prior art reference." *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d, 1051, 1053 (Fed. Cir. 1987).

For instance, with respect to claim 1, Applicants respectfully submit that line 1 of the "Software Development" section (page 3 of Microsoft reference) does not disclose a software wrapper configured to couple the smart card interface to a "smart card incompatible" CA protocol. In essence, the software wrapper enables various CA protocols, normally not used in connection with smart cards, to be utilized. As a result, "smart card incompatible" CA protocols do not need to be modified to work with smart cards. *See Page 8, lines 15-19 of the Specification.*

With respect to claim 5, Applicants respectfully submit that lines 3-4 of the "Software Development" section (page 3 of Microsoft reference) do not disclose a wrapper software interfacing the smart card signals and the PCMCIA API. In fact, this section merely describes the smart card interfacing with Windows-based applications, not with software that is used to interface *with* the PCMCIA API. Emphasis added.

With respect to claim 10, Applicants further submit that lines 3-4 of the "Software Development" section (page 3 of Microsoft reference) does not disclose coupling an output of the interface software to an Application Programming Interface (API) of a *smart card noncompliant CA protocol*. Emphasis added. Instead, lines 3-4 of the Software Development section state: "...necessary tools and APIs to develop smart-card-enabled and smart-card-aware Windows-based applications...." This section does not teach or even suggest supporting communications between a smart card and a *smart card incompatible CA protocol*.

With respect to claims 13 and 19, Applicants further submit that transforming the received signals and data from the smart card interface into a format compatible with the conditional access protocol, the conditional access protocol being incompatible with the smart card interface absent the transforming of the received signals. These transformations are not described in the Microsoft reference concerning the operations of the device drivers.

Based on the foregoing, Applicants respectfully request withdrawal of the outstanding §102(a) rejection.

Rejection Under 35 U.S.C. § 103

Claims 3 and 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over the "Microsoft" reference in view of Cheng (U.S. Patent No. 6,040,851). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

With respect to independent claim 17, the NRSS-B protocol is used in connection with PCMCIA cards, *not smart cards*. Emphasis added. In fact, Cheng teaches the use of NRSS-B protocol because it involves a system utilizing PCMCIA cards. The combined teachings of these cited references, therefore, is to utilize smart card compatible CA protocols for smart card deployment and the NRSS-B protocol for PCMCIA deployment. Such teachings do not suggest the usage of NRSS-B protocols for smart card deployment as claimed. More specifically, there is no suggestion for a software wrapper configured to execute on a second computing resource to *couple the ISO 7816 smart card interface to the NRSS-B protocol*. Emphasis added.

With respect to dependent claims 3, 15-16 and 18, Applicants respectfully disagree with the rejection, but believe further discussion in not warranted due to the allowability of the independent claims upon which they depend.
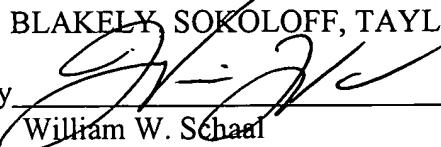
Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/10/04   By

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Date: 6/10/04

Susan McFarlane   6/10/04
Susan McFarlane   *Date*